

REMARKS

Claims 1-26 have been canceled. Claims 27-31 stand withdrawn from consideration.
New Claims 32-42 are active in the case.

Claim Amendments

Previously active Claims 24 and 25 stand as the basis for the newly presented magnetic molding article that is produced by the process recited (new Claim 37) and the process by which the molded article of the invention is prepared (new Claim 32). The newly presented dependent claims are supported by previously presented dependent claims. Further, basis for defining limitations in Claims 32 and 37 can be found in the text of the specification at page 18, line 15 to page 22, line 10. None of the amendments introduce new matter into the case. Entry of the same is respectfully requested.

Claim Rejection, 35 USC 112

Applicants do not concur with the view that the recitation of the term “fine” is indefinite in the present claims, because it is, in fact, a relative term which is relevant to defining the grain size of thermoplastic resin grains to one-tenth the mean grain size of the magnetic powder or less, as stated in dependent claims. Given what those of skill in the art understand about particle components of similar magnetic molding materials and an understanding of the teachings of the present text, the meaning of the term “fine” as used in the present claims is not indefinite.

Prior Art Rejection, 35 USC 102(b)

Claim 1 stands rejected as anticipated by Uetake et al, U.S. Patent No. 4,137,188.
This ground of rejection is respectfully traversed.

The rejection of Claim 1 is obviated by its cancellation from the present application.

The patent discloses a magnetic toner for electrophotography which has an insulating characteristic as a whole and which is comprised of ferromagnetic material and a resin as the main components, wherein the magnetic toner is formed so that surfaces of particles of the ferromagnetic material are substantially exposed to the surface of the toner particles. The toner particles are defined in terms of size with the average particle size of the toner particles being within the range of 7 to 30 μm and the magnetic toner particles having a size smaller than 1 μm . The magnetic toner of the reference is prepared by mixing magnetic particles, a resin and a charge controlling agent to form a mixture, then heat kneading the material followed by cooling and granulation of the mixture into fine particles. The particles are then contacted with a "hot gas" in order to fuse particles smaller than about 1 μm to larger particles, followed by cooling of the fused particles and selecting those particles that have an average particle size in the range of 7 to 30 μm . The temperature of the hot gas employed ranges from the softening point of the resin to about 500° C. Clearly, the process disclosed in the reference is not at all like the method of producing a magnetic molding of present Claim 32, where, in particular, clear distinctions exist with respect to the thermal processing of the magnetic compound material of the present process and the process of the reference. Further, it is clear that for the product of the reference, the average particle size of the toner particles is important and must be within a size range of 7 to 30 μm . On the other hand, no such stated limitation exists in the present claims. Accordingly, the Uetake et al patent does not anticipate the invention as claimed.

Prior Art Rejection, 35 USC 103(a)

Claim 2 stands rejected based on 35 USC 103 as obvious over Uetake et al, U.S. Patent No. 4,137,188. This ground of rejection is respectfully traversed.

The rejection of Claim 2 is obviated by its cancellation from the present application. The subject matter of original Claim 2 is of importance to the present invention, and as such has been incorporated into new Claims 32 and 37. As a matter of fact, compression-molding of the magnetic compound material of the invention, which, besides the magnetic powder component, comprises fine thermoplastic resin grains having a softening point of 90° C. However, in thermal processing of the present magnetic compound material, the magnetic powder must be heated to a temperature lower than the softening point by 10° to 40° C. This requirement is neither taught nor suggested by the patent. Accordingly, the Uetake et al patent does not obviate the invention as claimed.

Claim 1 stands rejected based on 35 USC 103 as obvious over Suzuki et al, U.S. Patent No. 6,342,557 or Tada et al, U. S. Patent 6,338,900. This ground of rejection is respectfully traversed.

The rejection of Claim 1 is obviated by its cancellation from the present application.

The '557 patent discloses a magnetic resin composition in which a powdered magnetic material is a soft ferrite material that has a rate of permeability change by temperature ranging from -0.040 to 0.010 %/° C in a temperature range of 20° to 80° C and an average particle diameter of 2 to 1000 μ m. No such magnetic product is claimed in this invention. As stated in column 5, lines 36 et seq of the patent, an important objective of the molded composition obtained from the processing of the reference is that the rate of permeability change by temperature is controlled within a range of \pm 0.025 %/° C. However, no such magnetic compound product is claimed in the present invention. The reference certainly does not teach or suggest the present process as claimed for producing a magnetic molding.

The '900 patent discloses a soft magnetic resin composition that is said to have a moderate permeability and which exhibits high electrical insulating characteristics and which

has excellent dielectric strength. As stated in column 4 of the patent, the finding of the patent is that it has been clarified that the electric resistance of a composite material containing a powdered magnetic material obtained by grinding a sintered magnetic material having an average crystal grain size (d_1) and a polymer lowers as the average grain size (d_2) of the powdered magnetic material obtained becomes smaller. No such product is claimed in the present invention, nor a process for producing such a product. Accordingly, the two cited references do not show or suggest the claimed aspects of the present invention.

Claims 1 and 24 stand rejected based on 35 USC 103(a) as obvious over Ikenaga et al, U.S. Patent No. 4,626,371. This ground of rejection is respectfully traversed.

The rejection of Claims 1 and 24 is obviated by their cancellation from the present application.

The '371 patent is of secondary interest because it discloses a magnetic composite material compound that is comprised of a magnetic powder material combined with a binder resin that is composed of a melt-processable polymer compound that can form an anisotropic melt phase. An important aspect of the disclosed magnetic composite material is the melt-processable polymer which can form an anisotropic melt phase. The result is a magnetic product which is said to have excellent moldability, dimensional stability, mechanical properties, mechanical properties, heat resistance, flame resistance and magnetic properties. No such product is claimed in the present invention, nor a process for producing such a product. Accordingly, the '371 patent does not show or suggest any claimed aspect of the present invention.

Obviousness-Type Double Patenting Rejection

Applicants continue to request that the provisional rejection under the judicially created doctrine of obviousness-type double patenting over claim 34 of co-pending U.S.

Application No. 10/686,617
Reply to Office Action of June 7, 2006

Application No. 10/820,052 continue to be held in abeyance until patentable subject matter is indicated. In fact, Claim 1 has been canceled so that the basis of the rejection is no longer in the claims.

It is believed that the application is in condition for allowance. Early notice to this effect is earnestly solicited.

Respectfully submitted,

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